

EXHIBIT 3

Day 5-a.m., Pg. 981

1 IN THE DISTRICT OF THE UNITED STATES OF AMERICA
2 FOR THE SOUTHERN DISTRICT OF ILLINOIS

3 D.W.K., Jr. and parents Mary &)
4 Daniel Kaleta,)
5 Plaintiff(s),) Case No. 14-847-NJR-SCW
6 vs.)
7 ABBOTT LABORATORIES, INC.,)
8 Defendant(s).)
9 _____
10

11 **TRIAL DAY 5-a.m. session**
12

13 BE IT REMEMBERED AND CERTIFIED that heretofore on 3/6/2015,
14 the same being one of the regular judicial days in and for the
15 United States District Court for the Southern District of
16 Illinois, **Honorable Nancy J. Rosenstengel**, United States
17 District Judge, presiding, the following proceedings were
18 recorded by mechanical stenography; transcript produced by
19 computer.
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24 **REPORTED BY:** Molly N. Clayton, RPR, FCRR, Official
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1 our objection and overruled it at the time of the *Daubert*
2 rulings.

3 But this wasn't a disclosed opinion. We would have
4 addressed it with the Court in *Daubert* if it was going to be
5 the subject of opinion. I just don't know why the assumption
6 of why -- is relevant to this jury.

7 *THE COURT:* Well, if you are saying that -- so maybe
8 it wasn't in his report, but it did come out in his deposition.

9 *MR. STRAIN:* He said it in his deposition.

10 *THE COURT:* Okay. Well, the objection is overruled.

11 (*Following proceedings held in open court:*)

12 **Q.** (*BY MR. WILLIAMS:*) So, Doctor, do you think it was
13 appropriate to expose more fetuses without doing more research?

14 **A.** I don't think it was -- I think it was appropriate to
15 expose as few fetuses as humanly possible.

16 **Q.** What were your expectations about what would happen to this
17 drug?

18 *MR. STRAIN:* Same objection.

19 *THE COURT:* Overruled.

20 **A.** So I can answer? Yeah.

21 So it was my -- my thought was it would be like
22 Thalidomide. When Thalidomide was shown to be such a terrible
23 drug for causing birth defects, I assumed this drug would come
24 off the market. And I learned that there were -- there were
25 neurologists who argued that this drug had a unique -- it was

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1 uniquely effective for certain women with epilepsy. And I
2 understood that there was an argument for keeping the drug on
3 the market for a very small group of women who might be exposed
4 to it.

5 But I had no idea that they would be -- that the market
6 would be increased. In fact, I only learned -- I stopped
7 thinking about this drug soon after this because I was working
8 on other things. And 20 years later a friend of mine, in a
9 meeting, told me it had been approved for other things, which I
10 was, frankly, quite surprised.

11 Q. Doctor, this is my favorite part, numbers. I want to go
12 back to the numbers, okay?

13 A. Yes, sir.

14 Q. You like numbers, don't you?

15 A. I do.

16 Q. Okay. So if you will take that down and let me use the
17 overhead, please.

18 I want to go back to this number in the MMWR of 20.6. Do
19 you remember that number, 20.6?

20 A. I do.

21 Q. That is a first-step number to doing some calculations.
22 You start with that number and then do some calculations,
23 correct?

24 A. Yes, you can.

25 Q. And did you -- who was it that came up with this

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1 Q. Let me just ask another question, if I may.

2 MR. WILLIAMS: Your Honor, that is --

3 MR. STRAIN: This is way beyond. I'm sorry to
4 interrupt you, Doctor. This is way beyond the question.

5 MR. WILLIAMS: You are interrupting me too.

6 MR. STRAIN: Pardon me.

7 THE COURT: Okay. What is your objection?

8 MR. WILLIAMS: He is interrupting the witness and did
9 not allow him to complete his answer.

10 THE COURT: Okay. Well, just let him finish. We are
11 all getting ready for lunch.

12 Q. (BY MR. STRAIN:) Okay. Doctor --

13 THE COURT: Slow down.

14 Q. (BY MR. STRAIN:) Go ahead, if I didn't cause you to lose
15 your train of thought.

16 A. I think it is difficult for people to understand the
17 strength and weaknesses of a pregnancy exposure registry and a
18 case-control kind of registry. And there is a historical
19 example from the way that the drug Thalidomide was found to --

20 MR. WILLIAMS: No, no. Wait.

21 THE WITNESS: Can't say that?

22 MR. WILLIAMS: Can we take a break?

23 THE COURT: You know what? This will be a good
24 time -- let's just take our lunch break. I don't -- I'm not
25 sure lunch is here yet, but this would be a good time for

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REPORTER'S CERTIFICATE

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I, Molly N. Clayton, RPR, FCRR, Official Court Reporter
for the U.S. District Court, Southern District of Illinois, do
hereby certify that I reported with mechanical stenography the
proceedings contained in pages 981 - 1121; and that the same is
a full, true, correct and complete transcript from the record
of proceedings in the above-entitled matter.

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Dated this 6th day of March, 2015.

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s/Molly Clayton, RPR, FCRR

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